

Minutes
WATER POLICY TASK FORCE
SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

February 12, 2004
10:00 a.m.
SCAG Offices: Riverside B Meeting Room

1.0 CALL TO ORDER

The meeting was called to order at 10:05 a.m. by Dan Griset, support staff member to the Task Force, pending Chair Washburn's arrival.

2.0 PUBLIC COMMENT PERIOD

There were no comments by members of the public.

3.0 APPROVAL OF MINUTES

The summary minutes of the September 18, 2003 and December 11, 2003 meetings were approved prior to the adjournment of the meeting with Lou Bone abstaining.

4.0 PRESENTATION ITEMS FOR THE TASK FORCE

4.1 Update on the Calleguas Creek Watershed Management Plan, TMDL Development and Salt Management

Larry Walker, a consultant for the Calleguas Creek Watershed Management Plan, briefed the Task Force on current Calleguas Creek Watershed Management Plan activities, including stakeholder efforts to develop comprehensive TMDL plans to control watershed pollutants and to model the watershed for improved management of salt loadings. The watershed is 25% urban, 25% agricultural (with high value crops) and 50% open space. A consensus process is an essential part of this effort and includes the Regional Board's participation.

The stakeholders, representing a very diverse cross-section of interests and institutions in the watershed, are currently developing 23 inter-related TMDLs, organized into five different areas: salts, metals, toxicity, historic pesticides and bacteria. The stakeholders agreed to fund most of the costs (\$3.5-\$5.5 million) for the TMDL development within the time requirements established in the 1999 USEPA consent decree. This effort is not only about water quality, it is also about water resources. Along with these activities the stakeholders expect to examine water quality standards and provisions of the California Toxic Rule that impact the watershed, possibly proposing site specific objectives to achieve feasible solutions and compliance. This review of standards is required because standards for chloride cannot be met even with reverse osmosis at all of the water treatment plants in the watershed.

Construction of a 32-mile brine line is now under development by the Calleguas Municipal Water District to support these long-range efforts. A conceptual model for modeling how salts

move through the watershed is underway, as described in the agenda material. Public feedback to this model is invited. The goal is to develop a predictive model that supports decisions about policy and priorities and allows compliance with water quality standards.

Salt-related TMDL looks at chlorides, sulfates, total dissolved solids and boron in relation to beneficial standards defined in the (1994) Basin Plan. The goal at that time was mainly about anti-degradation and involved flow-weighted annual averages. Eventually, with amendments, the averaging rule was replaced by an instantaneous maximum rule. This makes compliance much more difficult. The stakeholders agree with the Regional Board that salt management is needed in the watershed but that along with water quality it is important to manage water resources so that water supply and water quality work to the most cost-effective benefit of all water consumers.

Don Kendall, General Manager of Calleguas Municipal Water District, joined the discussion to state that USEPA had joined their effort and has expressed a desire to have the process be solution-oriented. He also underscored the importance of the brine line project. In response to a question, Mr. Kendall reminded the Task Force that there are very high background levels of salt throughout the watershed. These levels argue in favor of managing the inflows and outflows of water, while noting the water impairments caused by the legacy of background ocean sediments. Imported water quality needs to be improved as one element in the watershed strategy to focus on water resources.

4.2 Report on the Southern California Coastal Water Research Project (SCCWRP) and its Water Quality Research in the Region

Dr. Steve Weisberg, Executive Director of SCCWRP, described the organization, its governance and the work it does on water quality, especially the microbiology dimension. The key purpose of SCCWRP is to create a sound scientific foundation for water quality management decisions in southern California. This involves cumulative assessments and water quality modeling. The inclusion of both dischargers and regulators in SCCWRP's governance makes these efforts more credible.

Dr. Weisberg described the difficulties of working on bacteria problems: detection takes too long, the relationship to health risk is not well established (there's a poor relationship between bacteria and pathogens), problems are hard to fix when the source of the problem is unknown and it's often difficult to define appropriate clean-up levels. There is a need for rapid measurement methods that improve on the current measure methods that require 24-96 hours. This is underscored by the reality that most pollution events last less than 24 hours. SCCWRP is developing with a variety of groups around the country new, rapid measurement approaches to bacteria detection. One important study has been done at Mission Bay in San Diego, including swimmers and non-swimmers. These approaches will soon be put through blind testing. The new detection methods using microbiology source tracking along with genetic techniques already can report bacteria and viral results within two hours. Along with these advantages, however, identifying the appropriate locations for gathering samples at any given time can be very hit-or-miss. Another important goal of these study efforts is to know whether the source of the bacteria is human or not. Another facet of SCCWRP's work is to identify what contributions natural loadings make to water conditions subject to TMDL compliance. In

response to a question, Dr. Weisberg described the value of a watershed model that will be able to integrate land uses with various kinds of runoff pollutant loadings to guide the planning of pollution control measures within a watershed. Some discussion occurred about natural treatment systems and the role location plays in the effectiveness of this treatment strategy, as well as methodologies for “report cards” on water quality at local beaches.

4.3 The Los Angeles River Trash TMDL Is Invalidated: Is It Time for New Innovations in Cost-Effective Pollution Control?

A panel of speakers addressed the December 24, 2003 decision made by San Diego Superior Court Judge Wayne L. Peterson that found that the Los Angeles Regional Water Quality Control Board failed to follow certain procedures in its preparation and adoption of the Trash TMDL for the Los Angeles River, resulting in the invalidation of that TMDL. The panelists were Dan Lafferty with Los Angeles County Public Works, Gerald Greene with the City of Downey, Robert Vega with the City of Los Angeles and Richard Watson, a consultant with the Coalition for Practical Regulation (the plaintiff cities in the case).

Richard Watson provided some background on the lawsuit, arguments that were made, and the various points decided in the court’s ruling that both affirmed and denied claims made by the plaintiffs. Mr. Watson suggested that there could be different ways to address the trash problem that varies from the current TMDL approach, one that emphasizes best management practices (BMPs) rather than numerical limits. Also there’s a need for regional solutions rather than stand-alone city mandates. The Coalition sees opportunities for cities, the County and other parties such as Caltrans to collaborate on these kind of larger strategies for trash controls that are more cost-effective. In these efforts local entities could be working with the Regional Board to better assess which BMPs are effective in specific situations, even with litigation in the background.

Gerald Greene spoke about source controls, trash discharges and the need for cities to move ahead with creative trash management planning and implementation. The current litigation may affect the current approach to trash controls but it will not eliminate the need for local government to find better ways to work with this problem. We need to get control of such materials as plastic and Styrofoam that cannot be absorbed in the environment and that are not subject to redemption incentives. Fiscal realities are significant for communities where local revenues are diverted by the state even while stormwater expenditures have risen. The County, for example, is funding stormwater programs out of limited road budgets but these budgets are constrained. Resources, not rhetoric, are needed, along with creative planning and cooperation among local entities. Realism is necessary in setting standards: a zero trash standard is not realistic. At the same time rules should be flexible to allow for unique approaches. Source controls need to favor paper over foam and aluminum over plastic and be encouraged with redemption values.

Dan Lafferty indicated that the decision in San Diego has had little affect on the County’s planning and implementation processes. The more important impact is a potential loss of \$10 million reduction in state funding that could be triggered by the state budget crisis. In Ballona Creek the County is continuing with programs to comply with that watershed’s trash TMDL.

One approach proposed by the County is one where the County installs catch basin inserts in high trash flow areas and the cities maintain and operate these systems safely through dry and wet weather conditions. Such an approach allows for investing scarce funds where they can do the most good. It is also important to realize that the County is obligated to certain programs because of provisions in the County's stormwater permit, including the provision of trash monitoring data for various land uses to the Regional Board. This kind of activity can improve the County's confidence level in trash control rules that are ultimately needed. Data gathered in the Los Angeles River watershed, for example, appeared to be more credible than data gathered in the Ballona Creek watershed. Accordingly, the County is continuing to monitor trash volumes in order to develop more credible information needed for rulemaking. The County expects to work with other local entities to partner in larger solutions to trash flows. All of these efforts recognize that trash management is a long reality for the County.

Robert Vega noted that the San Diego decision will have little effect on the City's efforts to comply with the Trash TMDL, initially by removing 60% of the trash volumes in the city within 5 years. Implementation, along with public education and outreach, will continue with businesses, schools and neighborhood events. Enforcement will continue, especially at wrecking yards and industrial sites. Trash control efforts will focus on areas in the downtown where the greatest amounts of trash are generated and where specific control devices can be tested. The City is also challenged with the threat of funding reductions.

In response to a question Mr. Lafferty indicated that the County's settlement and its current intention to continue with trash management measures reflects its view that the San Diego rulings in favor of the plaintiffs were largely procedural, not substantive. Accordingly, the County expects that there will be a Trash TMDL and continuing efforts will be needed. The County's principal concern with the Regional Board's approach related to the numerical targets set in the TMDL, not that targets are proposed. Mr. Lafferty also commented on effect of the court decision on the settlement agreement.

4.4 The Water Supply and Water Quality Provisions in the Programmatic EIR of the Regional Transportation Plan

Owing to the lack of time, Jennifer Merrick, Associate Regional Planner, briefly noted that the comment period for the Programmatic EIR would close the following Monday and a summary of the public comments will be provided to the Energy and Environment Committee in March. The Regional Council will consider the EIR and the Regional Transportation Plan in April.

4.5 Impacts of the State Budget Crisis on Adopted Water Bond Resources

The Chair asked Martha Davis, Executive Manager of Policy Development at Inland Empire Utilities Agency and Co-Chair of the Watershed Subcommittee of the Bay-Delta Public Advisory Committee, to briefly describe the state and local agency financial condition as it related to funding of water projects through approved state water bonds. Ms Davis noted that the staffing levels of state agencies responsible for funding projects has fallen so severely that funding efforts are greatly impaired. Further, the Governor's executive order on contracts had halted contract processing; only in the previous week had that hold be released for water bond

projects. Any decisions on the state budget will be delayed until at least May. Some Prop. 50 funding that was approved in last year's budget will be available for release this year, though. In order for funding to be approved, various state agencies will first need to go through the development of publicly reviewed criteria for evaluating and ranking for competitive grant applications. In some programs it will be necessary for certain state agencies to operate together in reviewing and funding project proposals. Accordingly it will be important to track how the state agencies develop this criteria

Rick Harter, Executive Director of the Los Angeles and San Gabriel Rivers Watershed Council, reported that the joint application for Prop. 50 funding submitted by SCAG and the Watershed Council was not successful. Nevertheless, it is important that the recommended action on the item that efforts continue for project funding be supported. Collaborative efforts for improved water resource management needs creative funding, both locally developed as well as state generated. Ms. Davis and Mr. Harter agreed to return for a longer discussion of these issues at the April meeting of the Task Force. Mr. Watson pointed out that all proposed projects need to be "contract ready" in order to be highly competitive in a review process. Ms. Davis pointed out that large segments of funding are subject to the influence of the Department of Health Services and need to be watched closely.

5.0 CHAIR'S REPORT

There was no Chair's report.

6.0 STAFF REPORT

There was no staff report.

7.0 TASK FORCE INFORMATION SHARING

The lateness of the hour prevented any information sharing.

8.0 COMMENT PERIOD

There were no other comments.

10.0 ADJOURNMENT

The meeting was adjourned at 12:40 p.m.

Task Force Members in Attendance:

Elected Members	Liaison Members
Dennis Washburn, Chair Harry Baldwin Glen Becerra Lou Bone Margaret Clark Debbie Cook Norman Eckenrode Larry Forester Susan Longville Michael Miller Lori Van Arsdale Toni Young	Bo Cutter Martha Davis Gerald Green Don Kendall Dan Lafferty Heather Merenda Kevin Wattier

Minutes prepared by Daniel E. Griset


